

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 238

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING AN EXEMPTION TO THE
MANDATORY FINANCIAL RESPONSIBILITY ACT FOR A DRIVER OF AN
UNINSURED MOTOR VEHICLE WHO TRANSPORTS A PERSON UNDER THE
INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-205 NMSA 1978 (being Laws 1983,
Chapter 318, Section 6, as amended) is amended to read:

"66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE
EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

A. [~~No~~] An owner shall not permit the operation of
an uninsured motor vehicle, or a motor vehicle for which
evidence of financial responsibility as was affirmed to the
department is not currently valid, upon the streets or highways
of New Mexico unless the vehicle is specifically exempted from

.155812.1

underscored material = new
[bracketed material] = delete

1 the provisions of the Mandatory Financial Responsibility Act.

2 B. ~~[Nø]~~ A person shall not drive an uninsured motor
3 vehicle, or a motor vehicle for which evidence of financial
4 responsibility as was affirmed to the department is not
5 currently valid, upon the streets or highways of New Mexico
6 unless he is specifically exempted from the provisions of the
7 Mandatory Financial Responsibility Act.

8 C. For the purposes of the Mandatory Financial
9 Responsibility Act, "uninsured motor vehicle" means a motor
10 vehicle for which a motor vehicle insurance policy meeting the
11 requirements of the laws of New Mexico and of the secretary, or
12 a surety bond or evidence of a sufficient cash deposit with the
13 state treasurer, is not in effect [~~or a surety bond or evidence~~
14 ~~of a sufficient cash deposit with the state treasurer~~].

15 D. The provisions of the Mandatory Financial
16 Responsibility Act requiring the deposit of evidence of
17 financial responsibility as provided in Section 66-5-218 NMSA
18 1978, subject to certain exemptions, may apply with respect to
19 persons who have been convicted of or forfeited bail for
20 certain offenses under motor vehicle laws or who have failed to
21 pay judgments or written settlement agreements upon causes of
22 action arising out of ownership, maintenance or use of vehicles
23 of a type subject to registration under the laws of New Mexico.

24 E. A sober person, who drives a vehicle not owned
25 or regularly furnished or available to the sober driver, may

